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LETTER DATED 6 NOVEMBER 1997 FROM THE PERMANENT REPRESENTATIVE OF THE LIBYAN ARAB JAMAHIRIYA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

As you are well aware, my country continues to suffer from the unjust sanctions imposed during the critical period when the east-west equilibrium was breaking down. Those sanctions were imposed in flagrant violation of the Charter of the United Nations, specifically Article 27, paragraph 3, Article 33, paragraph 1, and Article 36, and in deliberate disregard of the 1971 Montreal Convention on the Suppression of Unlawful Acts against the Safety of Civil Aviation. Above all, the imposition of the sanctions constitutes an ongoing violation of the provisions of Article 31 of the Charter, since my country has been effectively excluded from participation in the Security Council's discussions on the Lockerbie case ever since the adoption of resolution 731 (1992).

The imposition of sanctions implies, in any language, acknowledgement of the fact that a fully independent investigation has shown that a crime or unlawful act has been committed and is being punished, after the perpetrator has been tried and duly convicted following a fair and impartial trial. However, sanctions were imposed on my country in the absence of any of these lawful and logical measures and conditions.

The two Libyan citizens concerned are no more than suspects. They have never appeared before any court or been convicted of any crime. The legal rule that an accused person is innocent until proved guilty has been completely ignored.

The adversary took advantage of the critical period when the east-west equilibrium was breaking down, the period of irrational "frenzy" in international relations that characterized the latter years of the previous decade and the first years of the present decade, to serve its own political aims. My country was accused of being responsible for an incident with which it had had nothing to do, and the Security Council was pushed into imposing sanctions on it. Those sanctions are in fact a "collective punishment" against my entire country, State and people, as appears from resolutions 748 (1992) and 883 (1993).

In fact, the adversary took advantage of this period of "irrational frenzy" to assume the functions of arbiter, investigator and judge, issuing a judgement in advance, without evidence, without investigation, without a trial and without a verdict, and even demanding compensation.

Despite all this, Libya has dealt with these unjust resolutions in a constructive spirit. With the support of numerous international and regional organizations, it has agreed to various positive, practical suggestions aimed at reaching a peaceful, just and fair settlement of this dispute.

In that same spirit, Libya has responded insofar as possible to the other demands contained in these resolutions: it has condemned terrorism in all its forms and manifestations and has declared itself prepared to cooperate with any international effort to eliminate it, as the Security Council and the Secretary-General are aware. In this connection, I should like to mention documents S/23672, S/23917, S/23918, S/24428, S/26760, S/26804, S/1994/900, S/1996/73, S/1995/624, S/1996/609, S/24961 and S/1997/518.

Libya has cooperated effectively with the United Kingdom in the matter of its demands relating to the Irish Republican Army. The United Kingdom has expressed its appreciation for that cooperation more than once.

France, too, has expressed its appreciation for Libya's whole-hearted cooperation in the matter of the French UTA aircraft incident.

My country has agreed that the two suspects, who are Libyan citizens, should appear before a just and impartial court. It has accepted the resolutions adopted in that connection by the League of Arab States, the Organization of African Unity, the Organization of the Islamic Conference and the Non-Aligned Movement.

Libya has been fully cooperative with and responsive to the Security Council. It is the other party which alleges that it went to the Security Council because of what it calls "terrorism". It is that party which is impeding the work of the Council by opposing the implementation of paragraph 2 of resolution 748 (1992).

My country has informed the Security Council before, and informs it again now, that the countries which are seeking to delay the implementation of that paragraph are actually attempting to use it to attain their own real political ends against Libya, in case they fail to do so by trying the two suspects.

It is the adversary, which claims that it went to the Security Council because of what it calls "terrorism", that is actually engaging in terrorism. Are the only acceptable definitions those which the United States of America deems appropriate because they serve its political ends?

True terrorism is the terrorism that the United States practices against various States and peoples, beginning with my country and its people. That is the terrorism that actually endangers international peace and security.

Libya has never attacked the United States; it is Libya which has been attacked by the United States more than once, at sea, from the air, and on land.

All these acts of aggression have been documented before the Security Council, and they have been the subject of resolutions adopted by the General Assembly (see our letters to the Security Council and the General Assembly (A/41/38, S/1996/342, S/1996/346, S/1997/218 and S/1997/651)).

The imposition of embargoes and the freezing of assets are also terrorist acts aimed at subjugating our people and bringing them to their knees. The United States has been trying to do this to Libya for decades, and now it is putting pressure on other States to follow its example, going so far as to interfere in the decisions of other countries and their leaders and dictate their choices, even in such matters as visits to my country. Who smuggled Libyans out of Chad and conveyed them to the United States? And who is openly training them, there in the United States? Who is financing them? Who is protecting them? Who is arming them and who is sending them to Libya to carry out terrorist acts, all of which have been foiled?

This is terrorism, but who will punish the United States for its terrorism? Who else would adopt domestic legislation and try to force the entire world to apply it, making the interests of the United States paramount, regardless of the interests of other countries? This terrorism has not spared even the allies of the United States.

Libya is innocent of the charge of terrorism. On the contrary, Libya is one of the victims of American terrorism.

Over the years, ever since this issue was forced upon the Security Council, many statements both official and unofficial have been issued, many books and articles published, many audio-visual recordings presented, and many seminars and conferences held, and most of them have concluded that Libya is not guilty of the allegations made against it.

Eminent people all over the world have spoken in favour of lifting the iniquitous sanctions imposed on Libya and many organizations have adopted resolutions to this end. We have already transmitted copies of the resolutions, documents, tapes, statements, books and articles in question, not because they express our point of view but because they throw light on the scale of the oppression and injustice to which my country has been subjected and show how little store was set by the Charter of the United Nations, international law and the sovereignty of States, let alone all the proposals made with a view to solving the problem.

The ministerial-level meeting of the Security Council held on 25 September 1997, at which Mr. Robert Mugabe, President of Zimbabwe and current President of the Organization of African Unity, spoke on behalf of Africa and in which high officials from various continents and countries took part, revealed how isolated the United States of America and the United Kingdom are. It also showed, beyond a shadow of a doubt, that those two countries do not want to settle the so-called Lockerbie affair, which they fabricated in the first place and are using as a weapon to achieve political objectives.

On 30 October 1997, His Holiness Pope John-Paul II called in unambiguous terms for the lifting of the sanctions imposed on the Libyan people. Moreover, the Security Council is well aware that the families of many victims in the

United Kingdom and the United States have agreed that the two suspects should be tried in a neutral country.

In order that justice may be done to my country and the two Libyan suspects exonerated, Libya, which is anxious to alleviate the concerns of the families of the victims, will continue to demand that the suspects should be tried quickly by a just and impartial court and that they should not be presumed guilty.

My country has never had any doubts about the Scottish judicial system. On the contrary; it has officially announced that it respects its history. We therefore cannot understand why the United Kingdom recently proposed that Libya should send so-called observers to study the Scottish judicial system.

Nothing can justify the delays experienced and the initiatives that have been taken to maintain the sanctions imposed on Libya, tarnish the image of the Security Council and the United Nations, circumvent the Charter of the United Nations and thwart the requests from regional and international organizations that over the past few years have done all they can to find, quickly, a just and peaceful settlement to the conflict between the Libyan Arab Jamahiriya and the Western countries.

In light of the foregoing, we request the Security Council:

1. To take note of Libya's response to and cooperation with the Council;

2. To ensure that in the current review of the sanctions account is taken of the resolutions of the League of Arab States, the Organization of African Unity, the Organization of the Islamic Conference and the Movement of the Non-Aligned Countries, which request that the sanctions on Libya be lifted and that the two suspects be tried in a neutral country;

3. To send a representative of the Secretary-General to Libya to evaluate the economic and humanitarian situation caused by the embargo and to ascertain that there are no links between Libya and terrorism, in implementation of paragraph 2 of Security Council resolution 748 (1992);

4. To accept that the two Libyan suspects should be tried by a just and impartial court in accordance with one of the formulas submitted jointly by the League of Arab States and the Organization of African Unity;

5. To lift the sanctions imposed on Libya;

6. To authorize the holding of a formal meeting of the Security Council under Article 31 of the United Nations Charter.

I should be grateful if you would have this letter circulated as a document of the Security Council.

(Signed) Abuzid Omar DORDAH
Permanent Representative